

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANYEL TORRES,
as parent and Guardian of A.G.
a minor child,

Plaintiff,

v.

12cv18-MV/RHS

UNITED STATES OF AMERICA,

Defendant.

**PRELIMINARY ORDER GRANTING PLAINTIFF'S MOTION
FOR PROTECTIVE ORDER REGARDING THE DEPOSITION OF A.G.**

THIS MATTER comes before the Court on Plaintiff's Motion for Protective Order Regarding the Deposition of A.G. (Doc. 52). The Court has now considered the motion together with Defendant's Response (Doc. 61), Plaintiff's Reply (Doc. 67) as well as all of the pleadings on file in the above-captioned cause together with the arguments and authorities propounded by the respective parties at hearing held November 19, 2013 and hereby concludes that the motion is well-taken and should be granted.

In this cause, Plaintiff alleges that during the summer of 2010, A.G. was participating in a Summer Youth Program sponsored or provided by the United States Air Force. Plaintiff alleges that during the program, the children were required to change from their bathing suits into their play clothes and that while changing his clothes A.G. was raped and sexually assaulted by a thirteen year old boy. A.G. was six years old at the time of the alleged event.

Defense wishes to depose A.G. Counsel for A.G. and his Guardian do not oppose the deposition but seek restraints and guidelines to be put in place to protect A.G. from emotional

harm and trauma. Defendant fundamentally desires to treat A.G. as an adult Plaintiff subject to all of the requirements of the Federal Rules of Civil Procedure.

The court concludes that many of the issues relative to the giving of the deposition may fall within the province of the trial court and that the trial court should be consulted as to the scope of the undersigned's decision on the instant motion.

IT IS THEREFORE ORDERED that Motion for Protective Order Regarding the Deposition of A.G. (Doc. 52) is granted to the limited extent that no party may depose A.G. without the express and written Order of the Court.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE